

At the outset, Applicants wish to thank Examiner Robinson for the courtesy of the interview accorded Applicants' representative, during which substantial progress was made.

Before addressing the substance of the interview, Applicants point out that two obvious errors have been corrected in the specification on pages 6 and 7, as indicated above. The formula (III) on page 6 was missing a bond in the thiazolyl ring. Likewise the second formula in the first row of formulas on page 7 was also missing a bond in the thiazolyl ring. These errors are obvious and do not introduce new matter since R in formula (I) on page 2 permits only heteroarylalkyl as the relevant definition, and the original structures, which have now been corrected, are not heteroarylalkyl, whereas the corrected structures are. In short, considering the definition of R on page 2 of the specification, it would have been obvious to any persons skilled in the art that the formula (III) on page 6 and the second formula on page 7 were incorrect, and that they should be corrected as now done. Accordingly, the amendments to the specification should be accepted, as they do not introduce new matter. An early notice to the changes are acceptable is earnestly solicited.

At the top of page 2 of the final rejection in the parent application, the Examiner required the claims to be limited to the elected invention. Applicants that new claims 17-20 are drawn to the elected invention, and should be immediately

allowable. Although the elected compound was the single species imidacloprid, the Examiner indicated at the top of page 2 of the Office Action dated May 20, 1996, that a limited subgeneric formula supported by the specification and containing the elected imidacloprid would be examined. Applicants submit that the subgenus of new claim 17 is just such a limited subgenus and respectfully request that the Examiner consider and examine this subgenus. The subgenus of new claim 17 is supported by, for example, the species of new claim 18, which all can be found in the specification on pages 6-8 and in the examples. No new matter has been added.

Although new claim 17 is generic to optionally substituted pyridylmethyl and optionally substituted thiazolylmethyl in the definition of R, Applicants submit that they should be allowed to claim these substituents together since even the prior art relied on by the Examiner shows pyridylmethyl and thiazolylmethyl at this position to be equivalents. See, for example, Shiokawa et al., U.S. Patent No. 4,914,113 at column 2, lines 41-42, and Examples 1-27 at columns 8-10.

Applicants have retained the broader claims because they really need a claim of the scope of claim 15, and Applicants believe such scope is reasonable and warranted. While the Examiner has made out a case of distinctness, the fact remains that the compounds of claim 15 all belong to a fairly narrow and recognizable small class of compounds of the formula (I). Moreover, they are all

disclosed to exhibit a common utility. Accordingly, the Examiner is without authority to require restriction. In re Harnisch, 206 USPQ 300 (CCPA 1980). Accordingly, the Examiner should examine the entirety of claims 15, 16, 11 and 12.

The only remaining issue is the rejection of claims 5, 11, 12, 15 and 16 under 35 USC § 103(a) as being obvious over Kristiansen, Shiokawa, Elbert and the Derwent Abstract of JP 3 279 389. In response, Applicants note that the Examiner indicates that the second Dorn Declaration was not of record. However, that declaration was attached to a letter faxed to the Patent Office on April 7, 1997. In any event, a copy of the second Dorn Declaration is attached. Applicants respectfully request that the Examiner enter and consider this declaration.

Applicants previously argued that the two Dorn Declarations proved an unexpected result and were reasonably representative of the claims.

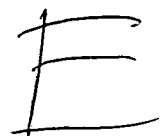
The Examiner appears to have accepted these two positions, but finds that the claims must nevertheless be refused because the cited prior art teaches the claimed compounds "are effective against insects of the type claimed and applied to the same locus of the claims, i.e., environment." In response, Applicants point out that claims 15-17 expressly require that the contact with the parasitic insect be effected by:

a) topically applying said compound to the dermis of said human or animal;; or

b) contacting the dermis of said human or animal with an article containing said compound.--

The other claims incorporate this requirement by dependence on claims 15 or 17. The cited prior art does not teach either of these methods of application. Consequently, Applicants submit that the method of the present claims is neither taught nor suggested by the cited prior art. Consequently, the Examiner would be justified to reconsider and withdraw this rejection.

Finally, Applicants intend to file a lengthy information disclosure statement in due course in addition to that submitted herewith, and respectfully request that the Examiner hold off further action until that further information disclosure statement can be filed. If the Examiner finds that he must act on this case, and that further information disclosure statement has not been filed, he is respectfully requested to telephone the undersigned at telephone number 914-332-1700 so that the filing of the further information disclosure statement can be expedited. The Examiner's cooperation in this regard is thanked in advance.



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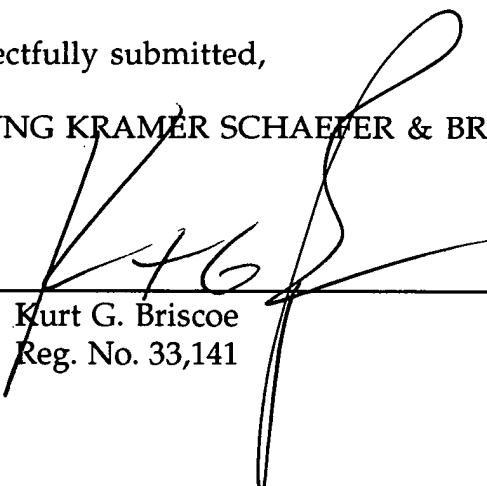
Applicants believe that the foregoing adequately deals with all outstanding objections and rejections.

Early and favorable action is earnestly solicited.

Respectfully submitted,

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